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UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

| UNITED STATES OF AMERICA, Plaintiff,   | Case Number <u>CR-10-00824</u> JF   |
|--|---|
| V. Jorge Plancarke, Defendant.   | ORDER OF DETENTION PENDING TRIAL  |
| a accordance with the Bail Reform Act 18115 C.   | § 3142(f), a detention hearing was held on  |
| Defendant was present, represented by his attorney   | § 3142(1), a detention hearing was held on  |
| Assistant U.S. Attorney T. Colthun +.  | The Office States was represented by  |
| PART I. PRESUMPTIONS APPLICABLE  |   |
| / / The defendant is charged with an offense descri  | bed in 18 U.S.C. § 3142(f)(1) and the defendant has been  |
| offense, and a period of not more than five (5) years has elapsed  | (1) while on release pending trial for a federal, state or local sed since the date of conviction or the release of the person from |
| imprisonment, whenever is later.   |   |
| safety of any other person and the community.  | ndition or combination of conditions will reasonably assure the   |
| There is probable cause based when (the indicate)  | - Wa C + C + 11 7   |
| detendant has committed an offense   | tent) (the facts found in Part IV below) to believe that the  |
| seq., g >51 ct seq., or g >55a et seq., OR   | ment of 10 years or more is prescribed in 21 U.S.C. § 801 et  |
| B under 18 U.S.C. § 924(c): use of a firear  | m during the commission of a felony.  |
| appearance of the defendant or remaind a late of the late of the late of the defendant or remaind a late of the defendant or remaind a late of the defendant or remaind a late of the lat | dition or combination of conditions will reasonably assure the  |
| appearance of the defendant as required and the safety of the company of the comp | community.  |
| PART II. REBUTTAL OF PRESUMPTIONS, IF APPLICABLE   |   |
| The defendant has not come forward with any exi  | idence to rebut the applicable presumption[s], and he therefore   |
| will be ordered detained.  | defice to reput the applicable presumption[s], and he therefore   |
| / / The defendant has come forward with evidence to  | o rebut the applicable presumption(s) to with   |
| •  |   |
| Thus, the burden of proof shifts back to the United Sta  | ites.   |
| PART III. PROOF (WHERE PRESUMPTIONS REBUTTED OR INA  | APPLICABLE)   |
| // The United States has proved to a preponderance   | of the evidence that no condition or combination of conditions  |
| will reasonably assure the appearance of the defendant as requi  | ired, AND/OR  |
| will reasonably assure the safety of any other person and the co   | cing evidence that no condition or combination of conditions  |
| PART IV. WRITTEN FINDINGS OF FACT AND STATEMENT OF I   | ommunity.   |
| The Court has taken into account the factors set on  | at in 18 U.S.C. § 3142(g) and all of the information submitted  |
| at hearing and finds as follows: Spice is an imp   | migration held on this defendant  |
|  | FILED   |
|  | NOV 192010  |
|  | RICHARD W WIFKING   |
| / / Defendant, his attorney, and the AUSA have waived PART V. DIRECTIONS REGARDING DETENTION   | d written findings.  CLERK U.S. DISTRICT COURT  NORTHERN DISTRICT OF CALIFORNIA SAN JOSE  |
|  | General or his designated representative for confinement in a   |
| corrections facility separate to the extent practicable from persons a   | awaiting or serving sentences or being held in custody pending  |
| appeal. The defendant shall be afforded a reasonable opportunity for the United States or on the request of an attorney for the Course   | or private consultation with defense counsel. On order of a court   |
| of the United States or on the request of an attorney for the Government the defendant to the United States Marshal for the purpose of an approximation of the purpose of the purpose of an approximation of the purpose | nent, the person in charge of the corrections facility shall deliver pearance in connection with a court proceeding.                |
| Dated: 11/19/10  | (20 h = 1) 2 1 11   |
| AUSA , ATTY , PTS  | PATRICIA V TRIMBILI   |

United States Magistrate Judge